

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1736 – SB 2376

April 11, 2016

SUMMARY OF ORIGINAL BILL: Creates an exception to the offense of carrying a weapon on school property for employees of a college or university under the Tennessee Board of Regents or the Board of Trustees of the University of Tennessee if the employee is on property owned by the employer and the employee has a valid handgun carry permit.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Expenditures – \$7,300/Incarceration*

SUMMARY OF AMENDMENTS (014832, 015129, 015298, 015719):

Amendment 014832 deletes all language after the enacting clause and rewrites the bill to create exceptions to the offense of carrying a weapon on school property for:

- Any employee authorized to carry a handgun by way of a valid handgun carry permit on property owned, operated, or controlled by the employing public institution of higher education;
- Any employee of the University of Tennessee when in the discharge of the employee's official duties, whether or not the employee possesses a valid handgun carry permit, and with prior authorization from the chancellor of the University of Tennessee Institute of Agriculture;
- Any employee of the University of Tennessee, and any member of the employee's household, living in a residence owned, used, or operated by the University of Tennessee, if the employee has prior authorization from the chancellor of the University of Tennessee Institute of Agriculture and the employee and household members are permitted to possess firearms under state and federal law;
- Any employee of a university or college department of agriculture within the Tennessee Board of Regents system when in the discharge of the employee's official duties, whether or not the employee possesses a valid handgun carry permit, and with prior authorization from the president of the university or college;
- Any employee of a university or college department of agriculture within the Tennessee Board of Regents system, and any member of the employee's household, living in a residence owned, used, or operated by a university or college within the Tennessee Board of Regents system, if the employee has prior authorization from the president of the university or college and the employee and household members are permitted to possess firearms under state and federal law; and

- Any employee who is engaged in wildlife biology or ecology research and education for the purpose of capture or collection of specimens with prior authorization of the president of a university in the Tennessee Board of Regents system, whether or not the person possesses a valid handgun carry permit.

For purposes of the first exemption—any employee with a valid handgun carry permit—noted above, the bill as amended provides that any employee authorized to carry who elects to carry a handgun pursuant to the bill as amended must provide written notice to the law enforcement agency with jurisdiction over the property owned, operated, or controlled by the public institution of higher education. The notice must provide identifying information, and the law enforcement agency must keep the identifying information confidential.

The bill as amended expressly provides that a person electing to carry under the bill as amended is not (1) acting in the scope of their employment; (2) entitled to workers' compensation benefits for injuries arising from the carrying of the handgun; (3) immune from personal liability with respect to use or carrying of a handgun; or (4) permitted to carry a handgun at stadiums, gymnasiums, disciplinary meetings, tenure meetings, or hospitals.

Amendment 015129 rewrites subdivision (9)(D) in Section 1 of amendment 014832, to make technical changes, relative to absolute immunity from monetary claims provided to public institutions of higher education under the bill as amended.

Amendment 015298 adds a subdivision to (9)(C) of amendment 014832, providing that a person electing to carry under the bill as amended is not permitted to carry a handgun openly or in any other manner in which the handgun is visible to ordinary observation.

Amendment 015719 adds language to subdivision (9)(B)(ii) of amendment 014832, that clarifies when an employee's identifying information in the written notice may be disclosed by a law enforcement agency. The law enforcement agency may disclose the information to an administrative office of the institution of higher education who is responsible for school facility security provided that the administrative officer is not the employee's immediate supervisor.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Statistics from the Department of Correction (DOC) show an average of two admissions each year for the past five years for carrying a weapon on school property. It is assumed that the bill as amended will result in one fewer admission every five years.
- The average time served for a Class E felony is 1.47 years, or 536.92 days.
- According to the DOC, the average operating cost per offender per day for calendar year 2016 is \$67.73.

- The annualized decrease in incarceration costs is \$7,273.12 [(536.92 days x \$67.73) / 5].

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm